

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERESA LINK,

Plaintiff,

Case No. 17-cv-10844

v.

Paul D. Borman
United States District Judge

RECOVERY SOLUTIONS
GROUP, L.L.C.,

Elizabeth A. Stafford
United States Magistrate Judge

Defendant.

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ORDER DENYING WITHOUT PREJUDICE PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT (ECF NO. 10)

On September 5, 2017, Plaintiff filed a Motion to Enter Default Judgment and to Prove Damages. (ECF No. 10.) Plaintiff's motion for a default judgment is procedurally improper because Plaintiff failed to first obtain a Clerk's Entry of Default pursuant to Fed. R. Civ. P. 55(a), which is a prerequisite to filing a motion for default judgment under Fed. R. Civ. P. 55(b). *See, e.g. Devlin v. Kalm*, 493 F. App'x 678, 685-86 (6th Cir. 2012) (stating that it was "procedurally improper for Plaintiff to move for entry of default judgment without first obtaining an entry of default from the clerk" and noting that there must be a clerk's entry of default as provided in Rule 55(a) prior to obtaining a default judgment under either Rule 55(b)(1) or Rule

55(b)(2)).

Accordingly, the Court DENIES WITHOUT PREJUDICE Plaintiff's Motion for Default Judgment.

IT IS SO ORDERED.

s/Paul D. Borman
Paul D. Borman
United States District Judge

Dated: September 19, 2017

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 19, 2017.

s/Deborah Tofil
Case Manager